

AMENDED IN SENATE MAY 3, 2006  
AMENDED IN SENATE APRIL 20, 2006

**SENATE BILL**

**No. 1278**

---

**Introduced by Senator Alquist**  
**(Principal coauthor: Senator Alarcon)**  
(Principal coauthor: Assembly Member Liu)

February 10, 2006

---

An act to amend Sections 8870, 8870.1, 8870.2, 8870.3, 8870.35, 8870.4, 8870.5, 8870.71, 8870.9, 8870.95, and 12804 of, to add Section 8870.05 to, and to repeal Section 8870.25 of, the Government Code, relating to the Seismic Safety Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1278, as amended, Alquist. *Alfred E. Alquist Seismic Safety Commission.*

The Seismic Safety Commission Act creates the Seismic Safety Commission in state government and requires it to report annually to the Governor and Legislature on its findings, progress, and recommendations relating to earthquake hazard reduction. Members of the commission are paid per diem expenses of \$50 for each day's attendance at a commission meeting.

This bill would *rename the act the Alfred E. Alquist Seismic Safety Commission Act, and rename the commission the Alfred E. Alquist Seismic Safety Commission. It would* place the commission within the State and Consumer Services Agency as an independent unit.

Existing law establishes the membership of the commission to consist of 17 members.

This bill would increase the membership of the commission membership to 20 members.

The commission is authorized to conduct a specific comprehensive investigation of a May 2, 1983, earthquake involving Coalinga, provide funding and expert technical assistance to the people of Coalinga for planning and reconstruction, and prepare and publish a comprehensive report on the Coalinga earthquake.

This bill would increase the commission member's per diem to \$100, with certain exceptions, and would delete the commission's duties specific to the 1983 Coalinga earthquake.

This bill would make technical corrections.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8870 of the Government Code is  
2 amended to read:

3 8870. The Legislature finds and declares as follows:

4 First, many different agencies at various levels of government  
5 have substantial responsibilities in the fields of earthquake  
6 preparedness and seismic safety.

7 Second, there is a pressing need to provide a consistent policy  
8 framework and a means for coordinating on a continuing basis  
9 the earthquake-related programs of agencies at all governmental  
10 levels and their relationships with elements of the private sector  
11 involved in practices important to seismic safety. This need is not  
12 being addressed by any continuing state government  
13 organization.

14 Third, through concerted efforts of broad scope, coordinated by  
15 a Seismic Safety Commission, long-term progress should be  
16 made toward higher levels of seismic safety.

17 Fourth, to provide and maintain effective policy guidance and  
18 leadership on seismic safety issues, and to fulfill its duties under  
19 this chapter, it is imperative that the State Seismic Safety  
20 Commission carry out its mission as an independent state agency,  
21 with direct access and accountability to the Governor and the  
22 Legislature.

23 Fifth, it is not the purpose of this chapter to transfer to the  
24 commission the authorities and responsibilities now vested by  
25 law in state and local agencies.

1 SEC. 2. Section 8870.05 is added to the Government Code, to  
2 read:

3 8870.05. This chapter shall be known, and may be cited, as  
4 the *Alfred E. Alquist Seismic Safety Commission Act*.

5 SEC. 3. Section 8870.1 of the Government Code is amended  
6 to read:

7 8870.1. (a) (1) There is created in the state government-a *the*  
8 *Alfred E. Alquist Seismic Safety Commission* as an independent  
9 unit within the State and Consumer Services Agency.

10 (2) *Any reference in statute or regulation to the Seismic Safety*  
11 *Commission shall be deemed to refer to the Alfred E. Alquist*  
12 *Seismic Safety Commission*.

13 (b) The commission shall report annually to the Governor and  
14 to the Legislature on its findings, progress, and recommendations  
15 relating to earthquake hazard reduction, and any other seismic  
16 safety issues, as requested by the Governor or the Legislature.

17 SEC. 4. Section 8870.2 of the Government Code is amended  
18 to read:

19 8870.2. (a) ~~The commission~~ *Alfred E. Alquist Seismic Safety*  
20 *Commission* shall consist of 15 members appointed by the  
21 Governor and confirmed by the Senate, one member representing  
22 the Governor's Office of Emergency Services, one member  
23 representing the Division of the State Architect in the  
24 Department of General Services, one member representing the  
25 California State Building Standards Commission, one member  
26 appointed by the Senate Rules Committee, and one member  
27 appointed by the Speaker of the Assembly. ~~The Seismic Safety~~  
28 ~~Commission~~ *commission* shall elect annually from its  
29 membership its own chairperson and vice chairperson and may  
30 replace them with other commissioners by majority vote.  
31 Commission members shall be residents of California.

32 (b) A quorum shall consist of 11 members if there are no  
33 vacancies, or else a majority of the members of the commission  
34 at the time.

35 (c) The Legislature declares that the individuals appointed to  
36 the commission are intended to represent the professions of  
37 architecture, planning, fire protection, public utilities, structural  
38 engineering, soils engineering, geology, seismology, local  
39 government, insurance, social services, emergency services, and  
40 the Legislature and that such representation serves the public

1 interest. Accordingly, the Legislature finds that for purposes of  
2 persons who hold this office the specified professions are  
3 tantamount to and constitute the public generally within the  
4 meaning of Section 87103.

5 (d) The ~~Seismic Safety Commission~~ *commission* exists as a  
6 separate unit within the State and Consumer Services Agency,  
7 and has the functions of prescribing policy, holding meetings and  
8 setting dates of the meetings, conducting investigations, and  
9 holding hearings insofar as those powers are given by statute to  
10 the commission.

11 (e) The decisions and actions of the ~~Seismic Safety~~  
12 ~~Commission~~ *commission*, with respect to exercising its authority  
13 and carrying out its duties under this chapter, or any other  
14 applicable law, are not subject to review by the Secretary of the  
15 State and Consumer Services Agency, but are final within the  
16 limits provided by this chapter.

17 (f) The Legislature further declares that the highest level of  
18 service that the individuals appointed to the commission can  
19 provide to the residents of California is to offer professional,  
20 unbiased, scientifically based advice to the Governor and the  
21 Legislature. To maintain this quality of service, it is imperative  
22 that the commission retain its functional autonomy and access to  
23 the Governor and the Legislature. As such, the commission shall  
24 retain its existing authority to issue reports, publications, and  
25 literature, as well as to sponsor legislation, and to take official  
26 positions on proposed state and federal legislation.

27 SEC. 5. Section 8870.25 of the Government Code is repealed.

28 SEC. 6. Section 8870.3 of the Government Code is amended  
29 to read:

30 8870.3. (a) The membership of the *Alfred E. Alquist* Seismic  
31 Safety Commission shall be appointed by the Governor and  
32 confirmed by the Senate from lists of nominees submitted by  
33 organizations as listed below:

34 (1) Three members appointed from established organizations  
35 in the fields of architecture and planning, fire protection, public  
36 utilities, electrical engineering, and mechanical engineering.

37 (2) Four members appointed from established organizations in  
38 the fields of structural engineering, soils engineering, geology,  
39 and seismology.

1 (3) Four members submitted by the League of California  
2 Cities and the California State Association of Counties.

3 (4) Three members appointed from established organizations  
4 in the fields of insurance, social services, and emergency  
5 services.

6 (b) One member shall be appointed from the Senate by the  
7 Senate Rules Committee, and one member shall be appointed  
8 from the Assembly by the Speaker of the Assembly. Each of the  
9 members appointed pursuant to this subdivision may designate  
10 an alternate who shall be counted toward a quorum, who may  
11 vote, and who may receive the expenses specified in Section  
12 8870.4.

13 SEC. 7. Section 8870.35 of the Government Code is amended  
14 to read:

15 8870.35. The term of office for each member of the *Alfred E.*  
16 *Alquist* Seismic Safety Commission shall be four years and each  
17 shall hold office until the appointment and qualification of his or  
18 her successor. However, of the initial commissioners, the  
19 Governor shall appoint seven members whose terms will expire  
20 two years after appointment and seven members plus the  
21 chairperson whose terms shall expire four years after  
22 appointment. All initial appointments shall be made by July 1,  
23 1975. Any vacancies shall be immediately filled by the  
24 appointing power for the unexpired portion of the term in which  
25 they occur.

26 SEC. 8. Section 8870.4 of the Government Code is amended  
27 to read:

28 8870.4. (a) Except as provided in subdivision (d), the  
29 members of the *Alfred E. Alquist* Seismic Safety Commission  
30 shall serve without compensation but shall be paid per diem  
31 expenses of one hundred dollars (\$100) for each day's attendance  
32 at a meeting of the commission, plus actual necessary travel  
33 expenses as determined by Department of Personnel  
34 Administration rules.

35 (b) The members of the ~~Seismic Safety Commission that~~  
36 ~~commission who~~ represent the Governor's Office of Emergency  
37 Services, the California Building Standards Commission, and the  
38 Division of the State Architect shall be employees in good  
39 standing of those respective entities. Any per diem and travel  
40 expense of those members of the commission shall be paid by the

1 agencies that they represent on the commission, in compliance  
2 with applicable conditions or regulations set by the Department  
3 of Personnel Administration.

4 SEC. 9. Section 8870.5 of the Government Code is amended  
5 to read:

6 8870.5. The commission, in the discharge of its  
7 responsibilities, may do any of the following:

8 (a) Accept grants, contributions, and appropriations from  
9 public agencies, private foundations, or individuals.

10 (b) Appoint committees from its membership, appoint  
11 advisory committees from interested public and private groups,  
12 and appoint ex officio members who shall not be entitled to vote,  
13 to advise the commission.

14 (c) Contract for or employ, with the approval of the Director  
15 of Finance, any professional services and research required by  
16 the commission or required for the performance of necessary  
17 work and services which, in the commission's opinion, cannot  
18 satisfactorily be performed by its officers and employees or by  
19 other federal, state, or local governmental agencies.

20 (d) Enter into agreements to act cooperatively with private  
21 nonprofit scientific, educational, or professional associations or  
22 foundations engaged in promoting seismic safety in California.  
23 These associations or foundations may furnish materials for sale,  
24 and the commission may provide personnel services and office  
25 space therefor. Subject to rules and regulations adopted by the  
26 commission, all moneys received from the sale of publications or  
27 other materials provided by an association or foundation shall be  
28 returned to the association or foundation for use in furthering  
29 seismic safety programs.

30 (e) Do any and all other things necessary to carry out the  
31 purposes of this chapter.

32 SEC. 10. Section 8870.71 of the Government Code is  
33 amended to read:

34 8870.71. To implement the foregoing responsibilities, the  
35 commission may do any of the following:

36 (a) Review state budgets and review grant proposals, other  
37 than those grant proposals submitted by institutions of  
38 postsecondary education to the federal government, for  
39 earthquake related activities and to advise the Governor and  
40 Legislature thereon.

1 (b) Review legislative proposals related to earthquake safety to  
2 advise the Governor and Legislature concerning the proposals  
3 and to propose needed legislation.

4 (c) Recommend the addition, deletion, or changing of state  
5 agency standards when, in the commission's view, the existing  
6 situation creates undue hazards or when new developments  
7 would promote earthquake hazard mitigation, and conduct public  
8 hearings as deemed necessary on the subjects.

9 (d) In the conduct of any hearing, investigation, inquiry, or  
10 study that is ordered or undertaken in any part of the state,  
11 administer oaths and issue subpoenas for the attendance of  
12 witnesses and the production of papers, records, reports, books,  
13 maps, accounts, documents, and testimony.

14 (e) In addition, the commission may perform any of the  
15 functions contained in subdivisions (a) to (d), inclusive, in  
16 relation to disasters, as defined in subdivision (c) of Section  
17 8870.7, in connection with issues or items reported or discussed  
18 with the Office of Emergency Services at any commission  
19 meeting.

20 SEC. 11. Section 8870.9 of the Government Code is amended  
21 to read:

22 8870.9. Prior to\_\_\_\_, the Legislature shall hold public  
23 hearings to receive testimony from the *Alfred E. Alquist* Seismic  
24 Safety Commission, any interested organizations, and members  
25 of the public or private sector. At the hearing, the Legislature  
26 shall receive testimony and other information concerning the  
27 mission, membership, duties, and operations of the commission.

28 SEC. 12. Section 8870.95 of the Government Code is  
29 amended to read:

30 8870.95. The Hospital Building Safety Board established in  
31 Section 129925 of the Health and Safety Code shall report  
32 annually to the *Alfred E. Alquist* Seismic Safety Commission.

33 SEC. 13. Section 12804 of the Government Code is amended  
34 to read:

35 12804. The Agriculture and Services Agency is hereby  
36 renamed the State and Consumer Services Agency.

37 The State and Consumer Services Agency consists of the  
38 following: the Department of General Services; the Department  
39 of Consumer Affairs; the Franchise Tax Board; the Public  
40 Employees' Retirement System; the State Teachers' Retirement

1 System; the Department of Fair Employment and Housing; the  
2 Fair Employment and Housing Commission; the California  
3 Science Center; the California Victim Compensation and  
4 Government Claims Board; the California African-American  
5 Museum; the State Building and Standards Commission; and the  
6 *Alfred E. Alquist* Seismic Safety Commission.

O